

## **REMARKS**

In the Office Action dated January 24, 2007, claim 27, in the above-identified U.S. patent application was rejected. Reconsideration of the rejections is respectfully requested in view of the above amendments and the following remarks. Claims 18-26 and 31 remain in this application, claims 1-17 and 27-30 have been canceled.

The office action indicates that claims 18-26 and 28-31 were withdrawn from consideration as drawn to a non-elected invention. Applicants point out that group I, containing original claims 1, 6, 7, 11, 12 and 17 was elected in the response filed on October 30, 2006. Original claims 1, 6, 7, 11, and 17 are use claims which were changed to method claims in applicant's October 30, 2006 response. As indicated in applicant's response to the restriction requirement, use claims are submitted in Europe because method of treatment claims are not permitted. Applicants elected the use claims in group I for prosecution in the present application and converted these claims to method claims to conform to U.S. patent practice. In view of this election, applicants contend that claims 18-26 and 31 are the elected group and should be examined in the present application.

The office action indicated that the listing of references in the application is not a proper information disclosure statement. Applicants point out that all of the references listed in the application have been submitted in the form of an IDS.

The oath/declaration was found defective regarding Gudrun Rappold-Hoerbrand's signature. A substitute declaration with Mrs. Rappold-Hoerbrand's complete signature is attached to this response.

The abstract was objected to as including two paragraphs. A substitute abstract is attached.

The title was objected to as not descriptive due to a misunderstanding regarding the elected subject matter. As discussed above, applicants elected use claims 1, 6, 7, 11, and 17 for prosecution in the present application. The original title clearly indicates the invention to which the claims are directed.

The specification was objected to as including sequences which do not reference SEQ ID NOS. An initial sequence listing is included with this response. The specification has been amended to properly include the sequence identifiers. The underlined sequences identifiers constitute the amended matter. Please note that underlined sequence text is for emphasis and was in the original. No new matter is introduced by means of these amendments.

Claim 27 was rejected under 35 USC §112, second paragraph as indefinite regarding the terms "SHOX" and "ANP and/or BNP". Claim 27 has been canceled and the other claims have been amended to clarify these terms. In view of these amendments, applicants request that this rejection be withdrawn.

Claim 27 was rejected under 35 USC §102(b) as anticipated by U.S. Patent Nos. 5,057,495, 5,846,932 or 5,948,761. Claim 27 has been canceled. As discussed above, applicants elected the use claims in group I for prosecution in the present application and thus claim 27 has been canceled. The cited references do not disclose a method for the treatment of short stature in a subject suspected of having a genetic defect in the short stature homeobox-containing gene (SHOX gene) comprising administering to a subject in need thereof a pharmaceutically effective amount of a natriuretic peptide ANP or BNP. In view of this, applicants request that this rejection be withdrawn.

Applicants respectfully submit that all of claims 18-26 and 31 are now in condition for allowance. If it is believed that the application is not in condition for allowance, it is respectfully requested that the undersigned attorney be contacted at the telephone number below.

In the event that this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

By



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